IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

HON'BLE SRI BILAL NAZKI,

ACTING CHIEF JUSTICE

and
HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION NO : 9928 of 2005

Between:

R. Mohan, S/o. Raman,
Gandhi Road, Sathyaveedu, Chittoor District.

..... PETITIONER

AND

1 Smt. Anju Yadav, Sub Inspector of Police,
Sathyaveedu, Chittoor District.
2 The Superintendent of Police, Sathyaveedu,
Chittoor District.
3 The Executive Magistrate and Mandal
Revenue Officer,
Sathayaveedu, Chittoor District.
4 The Director General of Police, Government
of Andhra Pradesh, Hyderabad.
5 The Collector and District Magistrate,
Chittoor District at Chittoor.

6 The Secretary to the Government of Andhra
Pradesh, Home (Police) Department,
Secretariat, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an Order, direction, or a Writ, more particularly one in the nature of Writ of Mandamus to call for the records and remarks from the Respondents herein relating to the illegal detention of the wife, Viz., M. Suseela, and minor daughter aged 3 yeas, of the Petitioner herein, by Smt. Anju Yadav, Sub-Inspector of Police, Sathyaveedu, for more than 24 hours, and not handing them over to the Advocate-Commissioner, who under the orders of the Judicial Magistrate of First Class, Sathyaveedu, approached the concerned Police Station along with the Process Server of the Court, and requested her, but producing the wife and minor child of the Petitioner herein, by registering a false case against them, before the Executive Magistrate and Mandal Revenue Officer, Sathyaveedu, and got them remanded, and to pass appropriate orders directing the concerned authorities to take action against Smt. Anju Yadav, Sub-Inspector of Police, Sathyaveedu, Chittoor District, for illegally detaining the wife and minor child of the Petitioner herein and defying the orders of the Judicial Magistrate of First Class, Sathyaveedu, and to pass such other or further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner : TELEGRAM

Counsel for the Respondents : GP FOR HOME

The Court made the following :

*Form-NIC-OGS/WP{**KNK**}*

ORAL ORDER:

(per Hon’ble The Acting Chief Justice)

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1 . We have seen the record of the Judicial Magistrate of First Class, Sathyaveedu, Chittoor District. The Magistrate has already issued a notice to the Sub-Inspector of Police, Sathyaveedu Police Station to explain her conduct. The case of the petitioner is that the alleged detenus were arrested, kept in custody and Advocate-Commissioner was appointed in terms of Section 97 of Code of Criminal Procedure. The Advocate-Commissioner found the detenus in the police custody, but the Sub-Inspector of Police refused to handover the detenus to the Advocate-Commissioner for production before the Magistrate. The Magistrate eventually issued a notice on 07.03.2005 to the Sub-Inspector of Police, Sathyaveedu Police Station. The Magistrate also ordered Deputy Inspector General of Police, Anantapur, to conduct an enquiry, who forwarded the matter to the Additional Superintendent of Police, Tirupathi, who has filed a report on 19.03.2005. It appears that the Magistrate has not taken further action after 07.03.2005. The detenus have also been released. Therefore, the Judicial Magistrate of First Class, Sathyaveedu, Chittoor District, is directed to take consequent action in accordance with law after considering the reply filed by the Sub-Inspector of Police to the show-cause notice dated 07.03.2005.

2. With the above direction, writ petition stands disposed of. No costs.

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BILAL NAZKI. ACJ.,

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G. CHANDRAIAH. J.,

Dated: 04.07.2005.

VRK.

To

1 Smt. Anju Yadav, Sub Inspector of Police,
Sathyaveedu, Chittoor District.
2 The Superintendent of Police, Sathyaveedu,
Chittoor District.

3 The Executive Magistrate and Mandal
Revenue Officer,
Sathayaveedu, Chittoor District.
4 The Director General of Police, Government
of Andhra Pradesh, Hyderabad.
5 The Collector and District Magistrate,
Chittoor District at Chittoor.
6 The Secretary to the Government of Andhra
Pradesh, Home (Police) Department,
Secretariat, Hyderabad.

7. The Officer concerned, Public Interest Litigation Cell,
High Court Buildings, Hyderabad.

8. Secretary, A.P. State Legal Aid & Advisory Board, High Court Buildings, Hyderabad.

9. The Secretary to Government of A.P., Home Department, Secretariat, Hyderabad.

10. Two CCs to G.P., for Home, High Court Buildings, Hyderabad (OUT).

11. Two CD copies.

HON'BLE SRI BILAL NAZKI,

ACTING CHIEF JUSTICE

AND

HON'BLE SRI JUSTICE

G. CHANDRAIAH.

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W.P.NO. 9928 OF 2005.

(Order of the Bench delivered by

Hon'ble The Acting Chief Justice)

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Dt: 04.07.2005.

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